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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,181	04/17/2000	YAARIT SILVERSTONE	AND1P582	1182

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EXAMINER

JEANTY, ROMAIN

ART UNIT PAPER NUMBER

3623

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/551,181

**Applicant(s)**

SILVERSTONE ET AL.

**Examiner**

Romain Jeanty

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 19-23, 25 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-23, 25 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **Detailed Action**

#### **Response to Amendment**

1. This Final Office Action is in response to the amendment filed on February 21, 2005. In the amendment, claims 19, 25 and 31 have been amended. Claims 19-23, 25 and 31 are currently present in the application.

Applicants' amendment has overcome the 35 USC § 112 rejection. The 35 USC § 112 rejection has been withdrawn.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 19-23, 25, and 31 have been considered but are moot in view of the new ground(s) of rejection.

#### **Claim Rejections - 35 USC § 103**

3 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19-23, 25, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al (U.S. Patent No. 6,3301,574) in view of Dilger (Asst Management, maintenance redefined) and further in view of Cohn (Do it yourself electronic catalog RFP)

As per claims 19, 23, and 31, Thomas et al disclose a data structure for communicating business information comprising:

(a) providing a database including a request for proposal mechanism and a plurality of service provider data structures and a plurality of manufacturer data structures, wherein said request for proposal is a request for an economic transaction proposal, wherein each service provider data structure includes a description of service provided by a particular service provider and wherein each manufacturer data structure includes a description of offerings of a particular manufacturer, identifying a particular data structure based on a request for economic transaction proposal from a user utilizing the request for proposal mechanism, wherein the user is a service provider (i.e. a database having data structures of contractor information and bid "request for proposal" information, identifying the bid information) (col. 2, lines 45 through col. 3 line 14; col. 7, lines 20-43).

Thomas et al fail to disclose affording network-based management services to the user based on the request for proposal and the identified data structure, wherein affording project management services includes managing assets in a networked-based supply chain, including optimizing use of service provider assets and manufacturer assets and providing maintenance and service provider and manufacturer assets. Dilger in the same field of endeavor, discloses the concept of asset management and optimization. Note pages 1-4 of Dilger. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to have modified the disclosures of Thomas et al to incorporate an asset management and optimization as taught by Dilger. A person having

ordinary skill in the art would have been motivated to use such a modification because it would allow manufactures to optimize their resources.

The combination of Thomas et al and Dilger fails to explicitly disclose nondisclosure agreement mechanism and receiving nondisclosure agreement data from a user, cataloging the nondisclosure agreement data in a database with the nondisclosure agreement mechanism. Cohn in the same field of endeavor discloses the concept of Request for proposal including nondisclosure agreement (Pages 1-5). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Thomas and Dilger to include the teaching nondisclosure agreement of Cohn in order to maintain the confidentiality of the user's information.

As per claim 20, Thomas et al do not explicitly disclose the step of tracking a status of manufacturing process performed by the identified service provider. Dilger in the same field of endeavor disclose the tracking of services provided by the service provider. Note page 1 of Dilger. It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to have modified the disclosures of Thomas et al to incorporate a tracking of service provided by a service provider as evidenced by Dilger in order to keep track of inventory of the manufacturer.

As per claims 21 and 22, Thomas et al do not explicitly disclose allowing the user to inquiry service engineers and service chemists. However, it would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify the teachings of Thomas to include a service engineer/chemist in order to assist businesses in meeting their needs for providing and obtain a variety of services.

Claim 25 is a computer program embodied on a computer readable medium for providing supply chain/workflow services in a contract manufacturing framework, in a contract manufacturing framework, a method of providing access to service for performing the steps of claim19; therefore, claim 25 is rejected under the same rationale relied upon in claim 19.

### **Conclusion**

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Van Wyngarden (U.S. Patent No. 6,383,022) discloses the concept of storing nondisclosure agreement for a user.

b. Dietz (U.S. Patent No. 6,408,337) discloses a system for automating the process of managing engagements of non-employee workers, including establishment of a contractual relationship with a vendor, requisition of a suitable non-employee worker for a particular job request.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJ

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623  
May 13, 2005